

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SONNY MELENDREZ,

Petitioner,

v.

No. 1:18-cv-00992-KWR-SCY

MARK BOWEN,

Respondent.

ORDER STRIKING PLEADING IN CLOSED CASE


THIS MATTER comes before the Court on Sonny Melendrez’s Supplemental Petition Under 28 U.S.C. § 2241 for Writ of Habeas Corpus (Doc. 19) (Supplemental Petition). The Supplemental Petition was filed on April 4, 2022, through counsel Jason Bowles. This case has been closed for over two years. By a ruling entered March 16, 2020, the Court dismissed Melendrez’s original *pro se* § 2241 petition challenging the loss of good time credits. *See* Doc. 15 (Dismissal Ruling). The Court found Melendrez did not exhaust state remedies and failed to show the exhaustion requirement should be excused. The Dismissal Ruling was entered without prejudice, but it was accompanied by a Final Judgment. *See* Doc. 15. Nothing in the Dismissal Ruling permits Melendrez to continue filing pleadings in this closed case. The Supplemental Petition also fails to raise any grounds to reopen this case, which would be extraordinary difficult at this stage. *See* Fed. R. Civ. P. 60(c) (“A motion under Rule 60(b) must be made within a reasonable time—and for reasons [involving mistake, new evidence, or fraud] no more than a year after the entry of the judgment.”).

Counsel must therefore file a new case, rather than proceeding in this docket as though Melendrez’s original *pro se* petition was never dismissed and Final Judgment was never entered. The Court will strike the Supplemental Petition without prejudice to filing a new habeas case and

decline to take further action in this closed case.

IT IS ORDERED that the Court **STRIKES** Sonny Melendrez's counseled Supplemental Petition Under 28 U.S.C. § 2241 for Writ of Habeas Corpus (**Doc. 19**) **WITHOUT PREJUDICE** to filing a new habeas case.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE